

NO. 26153

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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ALLEN A. VINCENT, individually and as  
Trustee of the Vincent Kassis Family Trust,  
Petitioner/Defendant-Appellant

vs.

THE JUDGES OF THE THIRD CIRCUIT COURT OF THE STATE OF HAWAI'I,  
Respondents

and

NORWEST MORTGAGE, INC., and WELLS FARGO HOME MORTGAGE, INC.,  
Real Parties in Interest/Plaintiffs-Appellees

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF  
MANDAMUS AND/OR FOR EMERGENCY STAY OF ORDER  
CONFIRMING FORECLOSURE SALE AND WRIT OF POSSESSION

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the petition for a writ of mandamus and/or for an emergency stay of the order confirming foreclosure sale and the writ of possession filed by Petitioner Allen A. Vincent, individually and as Trustee of the Vincent Kassis Family Trust, the papers in support, and the records and files herein, it appears that: (1) Petitioner seeks an order directing the third circuit judges to set aside the order confirming sale and the writ of possession entered in Norwest Mortgage Inc. v. Vincent, Civil No. 97-160, pending in the Circuit Court of the Third Circuit; and (2) Petitioner has a

pending appeal (Appeal No. 25613) from the decree of foreclosure entered in Norwest Mortgage Inc. v. Vincent, Civil No. 97-160, and a pending motion to stay in that appeal. Therefore

IT IS HEREBY ORDERED that the petition for a writ of mandamus and or emergency stay or order confirming foreclosure sale and writ of possession is denied without prejudice to the court considering the motion filed in Appeal No. 25613.

DATED: Honolulu, Hawai'i, October 31, 2003.

Gary Victor Dubin  
for petitioner/  
defendant-appellant  
on the petition

Neil F. Hulbert,  
Lea Hong, and Laura P.  
Couch for real parties  
in interest/plaintiffs-  
appellees in opposition